

11/13/2007 15:06 14153799343

VELAN LAW FIRM

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United States District Court
NORTHERN DISTRICT OF CALIFORNIA

E-filing

ANNA DUBROVA and DAVID SHAFRANSKIY,
Individually and as Successors in Interest to
MIKHAIL SHAFRANSKIY, deceased

v.

SAN FRANCISCO MARITIME (NATIONAL
HISTORIC PARK), NATIONAL PARK SERVICE,
U.S. DEPARTMENT OF THE INTERIOR, Does 1
to 100, Inclusive.

TO: (Name and address of defendant)

SAN FRANCISCO MARITIME (NATIONAL HISTORIC PARK),
NATIONAL PARK SERVICE
U.S. DEPARTMENT OF THE INTERIOR

SUMMONS IN A CIVIL CASE

CASE NUMBER:

CV 07 5755

JL

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

VICTOR LIPOVETSKY, ESQ., SBN 170962
VELAN LAW FIRM, A Professional Corporation
3701 Geary Boulevard, Suite 101
San Francisco, CA 94118

BY FAX

an answer to the complaint which is herewith served upon you, within 20/60 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

NOV 13 2007

DATE _____

Richard W. Wierking

CLERK

(BY) DEPUTY CLERK

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VELAN LAW FIRM

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AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE

DATE

Service of the Summons and Complaint was made by me¹

Name of SERVER

TITLE

Check one box below to indicate appropriate method of service

- Served Personally upon the Defendant. Place where served:
- Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
Name of person with whom the summons and complaint were left:
- Returned unexecuted:
- Other (specify):

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on _____
Date _____

Signature of Server

Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure

11/13/2007 15:06 14153799343

VELAN LAW FIRM

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1 THE VELAN LAW FIRM
 2 A Professional Corporation
 3 Victor Lipovetsky (SBN. 170962)
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 5 San Francisco, California 94118
 6 Telephone: (415) 379-9300
 7 Facsimile: (415) 379-9343

8 Attorneys for Plaintiff(s)
 9 ANNA DUBROVA and DAVID SHAFRANSKIY,
 10 individually and as Successors In Interest to
 11 MIKHAIL SHAFRANSKIY, deceased,

12 RICHARD W. WIEKING
 13 CLERK, U.S. DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA

15 ORIGINAL
 16 FILED
 17 NOV 13 2007

E-filing

JL

18 UNITED STATES DISTRICT COURT
 19 NORTHERN DISTRICT OF CALIFORNIA
 20 SAN FRANCISCO DIVISION

21 ANNA DUBROVA and DAVID
 22 SHAFRANSKIY, Individually and as Successors
 23 In Interest to MIKHAIL SHAFRANSKIY,
 24 deceased,

25 Plaintiffs,

CASE NO.

CV 07

COMPLAINT

5755

- GENERAL NEGLIGENCE
- SURVIVAL ACTION
- PREMISES LIABILITY

DEMAND FOR JURY TRIAL

BY FAX

25 v.
 26 SAN FRANCISCO MARITIME (NATIONAL
 27 HISTORIC PARK), NATIONAL PARK
 28 SERVICE, U.S. DEPARTMENT OF THE
 INTERIOR, DOES 1 through 100, Inclusive.

Defendants.

GENERAL ALLEGATIONS COMMON TO ALL CAUSES OF ACTION

21 1. **Jurisdiction.** This court has jurisdiction over this complaint because it arises
 22 under the laws of the United States and since the Defendants are members of the U.S.
 23 Government and the accident occurred on U.S. Government property.

24 2. **Venue.** Venue is appropriate in this court because the defendants reside in
 25 this District and are doing business in the City and County of San Francisco, State of
 26 California and the subject acts alleged in the complaint occurred in the City and County of
 27 San Francisco.

1 3. **Intradistrict Assignment.** This lawsuit should be assigned to the San Francisco
 2 Division of this Court because a substantial part of the events or omissions which give rise to
 3 this lawsuit occurred in the City and County of San Francisco.

4 4. The true names or capacities, whether individual, corporate, associate or
 5 otherwise, of defendants DOE 1 through DOE 100, inclusive, are presently unknown to
 6 plaintiffs, who therefore sue said defendants by such fictitious names. Plaintiffs are informed
 7 and believe and thereon allege that each defendant designated herein as "DOE" is legally
 8 responsible for certain acts or failures to act or the events, happenings and damages hereinafter
 9 alleged. Plaintiffs are unaware of the precise actions of said fictitious DOE defendants and
 10 prays leave to amend this Complaint, with appropriate charging allegations, upon ascertaining
 11 the true identify and capacity of, and theory of liability against, said defendants.

12 5. Plaintiffs are informed and believe, and thereon allege, that at all times mentioned
 13 herein, defendants, and each of them, in doing the things hereinafter alleged, were the agents,
 14 ostensible agents, servants, employees, joint venturers and/or contractors of their co-defendants
 15 and that said defendants were directed and/or controlled each by the other and were as such
 16 acting within the scope of such agency, service, employment, joint venture and/or contract and
 17 that each and every defendant as aforesaid, when acting as a principal, agent, servant,
 18 employee, joint venturer and/or contractor, was negligent in the selection and hiring of each and
 19 every other defendant as its agent, servant, employee, joint venturer and/or contractor.

20 6. Pursuant to Section 377.30 of the Code of Civil Procedure, ANNA DUBROVA and
 21 DAVID SHAFRANSKIY are entitled to bring this action as the successors in interest to their
 22 deceased father, MIKHAIL SHAFRANSKIY. ANNA DUBROVA and DAVID
 23 SHAFRANSKIY have filed the required Declarations under Section 377.32 of the California
 24 Code of Civil Procedure certifying that they are the successors in interest to their deceased
 25 father, MIKHAIL SHAFRANSKIY

26 7. At all times mentioned, defendants, SAN FRANCISCO MARITIME (NATIONAL
 27 HISTORIC PARK), NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE
 28

1 INTERIOR, Does 1 to 100, operated under the laws of the United States Government and
2 functioned in the capacity of Owner/Operator, Administrator, and are engaged in the business of
3 operating parks.

4 8. On August 7, 2005, Decedent MIKHAIL SHAFRANSKIY was a pedestrian walking
5 on the walkway between the restroom and the pier on the right side of Van Ness Avenue
6 approaching McDowell Avenue, in San Francisco, California, an area maintained and owned by
7 defendants,. SAN FRANCISCO MARITIME (NATIONAL HISTORIC PARK), NATIONAL
8 PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, DOES 1 through 100. There
9 were no signs posted or warnings of any kind and there was a failure to provide a safe and secure
10 environment where the Decedent, MIKHAIL SHAFRANSKIY, was walking. The area was not
11 properly maintained, inspected, not properly timely fixed, not kept in good order, and not kept up
12 to the Code thereby in violation of the Code. As a result of these conditions, there was an
13 elevated and uneven sidewalk , and he was walking on the sidewalk in this area over which he
14 tripped. As a result of these conditions, there were very unsafe conditions present, and when the
15 Decedent, MIKHAIL SHAFRANSKIY, was walking in the area he fell down. As a result this
16 caused him to be thrown off balance and suddenly to fall down causing multiple serious injuries.
17

18 9. As a direct and proximate result of all defendants' actions described above and below,
19 the victim MIKHAIL SHAFRANSKIY suffered multiple serious injuries, was hospitalized, and
20 ultimately died on September 30, 2007.
21

22 10. At all times herein mentioned, defendants inclusive, and each of them were
23 negligent, incompetent, reckless, in the entrustment, operation, ownership, and control of said
24 location involving MIKHAIL SHAFRANSKIY, Deceased, at the time and place herein
25 described.
26

27 11. At all times herein mentioned, defendants, and each of them, owned, operated,
28 maintained, entrusted and controlled said premises in total disregard of the safety of pedestrians;

1 violated their duty to take the precautions necessary and available to guard and warn persons
2 against the dangerous consequences of falling and further violated their duty to safely equip,
3 control, entrust, maintain, and operate the premises in which public are walking.

4 12. At all times herein mentioned said defendants SAN FRANCISCO MARITIME
5 (NATIONAL HISTORIC PARK), NATIONAL PARK SERVICE, U.S. DEPARTMENT OF
6 THE INTERIOR, DOES 1 through 100. violated one or more of the following negligent acts or
7 omissions:

8 a) Failure to provide a safe and secure environment in the place where the public was
9 walking;

10 b) Failure to make sure that the area was properly marked and that the public be
11 provided with any warnings or assistance to the public when said warnings were clearly
12 necessary;

c) Were otherwise careless and negligent.

14 13. At all times herein mentioned, said Code sections were designed to protect a class
15 of persons, to which Decedent belonged, to wit: members of the general public affected by
16 conditions within the scope of the Code sections.

17 14. That said defendants' violations of said Code sections constitute a presumption
18 that said defendants were negligent per se.

19 15. That as a direct and proximate result of defendants' negligence per se, plaintiffs
20 and plaintiffs' Decedent sustained the injuries and suffered the damages set forth above.

FIRST CAUSE OF ACTION
(General Negligence)

FOR PLAINTFFS, ANNA DUBROVA AND DAVID SHAFRANSKIY,
INDIVIDUALLY AND AS SUCCESSORS IN INTEREST TO THEIR FATHER,
MIKHAIL SHAFRANSKIY, DECEASED,
AGAINST ALL DEFENDANTS, AND EACH OF THEM

Plaintiffs, ANNA DUBROVA and DAVID SHAFRANSKIY, as successors in interest to
MIKHAIL SHAFRANSKIY, deceased, alleges against all defendants, and each of them:

16. Plaintiffs incorporate Paragraphs 1 through 15 above as though fully set forth

1 herein.

2 17. On or about August 7, 2005, Defendants and each of them acted negligently with
3 respect to MIKHAIL SHAFRANSKIY.

4 18. All Defendants' negligent acts caused injuries to the Plaintiffs and the decedent.
5

6 **SECOND CAUSE OF ACTION**
(Survivorship)

7 **FOR PLAINTFFS, ANNA DUBROVA AND DAVID SHAFRANSKIY,
8 INDIVIDUALLY AND AS SUCCESSORS IN INTEREST TO THEIR FATHER,
9 MIKHAIL SHAFRANSKIY, DECEASED,
AGAINT ALL DEFENDANTS, AND EACH OF THEM**

10 Plaintiffs incorporate the Preliminary Allegations and Causes of Action herein as
11 though the same were set forth at length herein. As alleged herein above, Defendants are liable
12 in tort for the injuries to Plaintiffs and Decedent.

13 On or about August 7, 2005, decedent fell causing multiple serious injuries, and
14 as a result he was injured which affected his health and was directly linked to his death on
15 September 30, 2007, as a result of the negligence of defendants, and each of them.

16 As a direct and proximate result of the negligence and carelessness of defendants,
17 and each of them, and the resulting incident as aforesaid, Decedent sustained severe and serious
18 injury to his person, all to Plaintiffs' damage in a sum within the jurisdiction of this Court and to
19 be shown according to proof.

20 In the treatment of said injuries, Decedent, and Plaintiffs have incurred liability
21 for medical care, the true and exact amount thereof being unknown to Plaintiffs at this time, and
22 Plaintiffs pray leave to amend this Complaint accordingly when the true and exact cost thereof is
23 ascertained.

24 As a direct and proximate result of said negligence and carelessness of
25 defendants, and each of them, Plaintiffs will incur other pecuniary losses, the full nature and
26 extent of which are not yet known to Plaintiffs, and leave is requested to amend this Complaint to
27 conform to proof at the time of trial.

28 Plaintiff has lost pre-judgment interest pursuant to Civil Code Section 3291, the

exact amount of which Plaintiff prays leave to insert herein when finally ascertained.

As a result of the injuries and damages, supra and infra, Plaintiffs have been damaged in a sum in excess of the jurisdictional limits of the United States District Court (Northern District).

5 As a direct and proximate result of the aforementioned actions and inactions of
6 the defendants, Plaintiffs have suffered injuries, damages, loss, and harm as alleged in this
7 Complaint.

THIRD CAUSE OF ACTION
(Premises Liability)

FOR PLAINTFFS, ANNA DUBROVA AND DAVID SHAFRANSKIY,
INDIVIDUALLY AND AS SUCCESSORS IN INTEREST TO THEIR FATHER,
MIKHAIL SHAFRANSKIY, DECEASED,
AGAINST ALL DEFENDANTS, AND EACH OF THEM

Plaintiffs incorporate the Preliminary Allegations and Causes of Action herein as though the same were set forth at length herein. As alleged herein above, Defendants are liable in tort for the injuries to Plaintiffs and Decedent.

On or about August 7, 2005, decedent was a pedestrian walking in the vicinity of an area maintained and owned by defendants. The Defendants negligently owned, maintained, managed and operated these premises. The Defendant owners failed to guard or warn against a dangerous condition, use, structure, or activity. The defendants had received actual or constructive notice of the defect, the condition was created by employees of the Defendants, and the Defendants acted within the scope of their agency.

Plaintiffs were required to file a government claim and have done so prior to filing the Complaint.

WHEREFORE, plaintiffs, ANNA DUBROVA and DAVID SHAFRANSKIY pray:

- a. For general and special damages recoverable by plaintiffs, ANNA DUBROVA and DAVID SHAFRANSKIY, in an amount according to proof;
 - b. For personal injury damages according to proof;

- 1 c. For reimbursement for medical expenses;
- 2 d. For prejudgment interest pursuant to Civil Code Section 3291;
- 3 e. For costs of suit incurred herein; and
- 4 f. For any and all other relief that court may deem just and proper.

5 **DEMAND FOR JURY TRIAL**

6 Plaintiffs, ANNA DUBROVA and DAVID SHAFRANSKIY, Individually and as
7 Successors in Interest to MIKHAIL SHAFRANSKIY, hereby demand a trial by jury.
8

9 DATED: November 13 2007

10 VELAN LAW FIRM, A Professional Corporation

11
12 VICTOR LIPOVETSKY, Attorney for Plaintiffs,
13 ANNA DUBROVA and DAVID SHAFRANSKIY
14 Individually and as Successors in Interest to
15 MIKHAIL SHAFRANSKIY, Decedent
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PAGE 1

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5 Attorneys for Plaintiff(s)
 6 ANNA DUBROVA and DAVID SHAFRANSKIY,
 7 individually and as Successors In Interest to
 8 MIKHAIL SHAFRANSKIY, deceased,

ORIGINAL
FILED
NOV 13 2007
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT

11 ANNA DUBROVA and DAVID
 12 SHAFRANSKIY, Individually and as Successors
 13 In Interest to MIKHAIL SHAFRANSKIY,
 deceased,

14 Plaintiffs,

15 v.

16 SAN FRANCISCO MARITIME (NATIONAL
 17 HISTORIC PARK), NATIONAL PARK
 SERVICE, U.S. DEPARTMENT OF THE
 INTERIOR, et al.

18 Defendants.

CV 07 CASE NO. 7

DECLARATION BY DECEDENT'S
SUCCESSOR IN INTEREST
(CCP § 377.32)

5753

BY FAX

Action Filed:
Trial Date: None

19 Declarant ANNA DUBROVA hereby declares that the following is true and correct:

- 20 1) The name of the decedent is MIKHAIL SHAFRANSKIY.
- 21 2) The date and place of decedent's death is City and County of San Francisco,
California, September 30, 2007..
- 22 3) No proceeding is now pending in California for administration of the decedent's
estate.
- 23 4) The declarant ANNA DUBROVA is the decedent's Successor In Interest as
defined in Section 377.11 of the California Code of Civil Procedure, and she succeeds to the
decedent's interest in the action or proceeding. That is true because she was the daughter of

28 DECLARATION BY DECEDENT'S SUCCESSOR IN INTEREST (CCP § 377.32)

1 decedent. Besides the daughter ANNA DUBROVA decedent had a son named DAVID
2 SHAFRANSKIY, whose declaration is attached. Decedent was unmarried and had no other
3 issue at the time of his death.

4 5) No other person has a superior right to commence the action or proceeding or to be
5 substituted for the decedent in the pending action or proceeding.

6 6) Declarant hereby declares under penalty of perjury under the laws of the State of
7 California that the foregoing is true and correct, and a certified copy of the decedent's death
8 certificate, which is true and correct, is attached to this declaration..

9 I declare under penalty of perjury under the laws of the State of California that the
10 foregoing is true and correct.

11 Dated this 31 day of OCTOBER, 2007, in Selkirk, New York.

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13 
14 ANNA DUBROVA, Declarant
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CITY AND COUNTY OF SAN FRANCISCO

CERTIFICATE OF DEATH

3200738004600

STATE FILE NUMBER		STANISLAV SHAFRANSKIY VS-1WREY-1M		LOCAL REGISTRATION NUMBER	
1. NAME OF DECEASED — FIRST (Given) MIKHAIL		2. MIDDLE —		3. LAST (Family) SHAFRANSKIY	
AKA, ALSO KNOWN AS — Include full AKA (FIRST, MIDDLE, LAST)		4. DATE OF BIRTH mm/dd/yy 10/25/1921		5. AGE Yrs 85	
6. SEX M		7. IF UNDER ONE YEAR Months Days		8. IF UNDER 24 HOURS Hours Minutes	
9. BIRTH STATE/FOREIGN COUNTRY UKRAINE		10. SOCIAL SECURITY NUMBER 122-82-3859		11. EVER IN U.S. ARMED FORCES? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK	
12. MARITAL STATUS (If Mrs. or Miss, etc.) WIDOWED		13. EDUCATION — HIGH SCHOOL/DIPLOMA 12TH GRADE		14. DECEASED'S RACE — Up to 3 races may be listed (see worksheet on back) CAUCASIAN	
15. USUAL OCCUPATION — Type of work for most of life. DO NOT USE RETIRED DOCTOR		16. KIND OF BUSINESS OR INDUSTRY (e.g., grocery store, road construction, employment agency, etc.) HEALTH CARE		17. YEARS IN OCCUPATION 45	
18. DECEASED'S RESIDENCE (Street and number or location) 666 ELLIS STREET #304		19. CITY SAN FRANCISCO		20. COUNTY/PROVINCE SAN FRANCISCO	
21. ZIP CODE 94109		22. YEARS IN COUNTY 3		23. STATE/FOREIGN COUNTRY CA	
24. INFORMANT'S NAME, RELATIONSHIP ANNA DUBROVA, DAUGHTER		25. INFORMANT'S MAILING ADDRESS (Street and number or route route number, city or town, state, ZIP) 28 DORCHESTER AVENUE, SILKIRK, NY 12158			
26. NAME OF SURVIVING SPOUSE — FIRST —		27. NAME OF MIDDLE —		28. LAST (Maiden Name) —	
29. NAME OF FATHER — FIRST YAKOV		30. MIDDLE —		31. LAST SHAFRANSKIY	
32. NAME OF MOTHER — FIRST HANNA		33. MIDDLE —		34. BIRTH STATE UKRAINE	
35. DEPOSITION DATE mm/dd/yy 10/04/2007		36. PLACE OF FINAL DISPOSITION SURSKO LITOVSKOE CEMETERY DNEPROPETROVSK, UKRAINE		37. LAST (Maiden Name) SHKLOVSKAYA	
38. TYPE OF DISPOSITION(S) CR/TR/BU		39. SIGNATURE OF EMBALMER NOT EMBALMED		40. LICENSE NUMBER FD794	
41. NAME OF FUNERAL ESTABLISHMENT COLLEGE CHAPEL MORTUARY		42. SIGNATURE OF LOCAL REGISTRAR Mitchell Katz, MD		43. DATE mm/dd/yy 10/04/2007	
44. PLACE OF DEATH LIGHT WELL		45. IF HOSPITAL, SPECIFY ONE <input type="checkbox"/> IP <input type="checkbox"/> ER/OP <input type="checkbox"/> DOA <input type="checkbox"/> Hospital <input type="checkbox"/> Nursing Home/LTC <input checked="" type="checkbox"/> Other		46. IF OTHER THAN HOSPITAL, SPECIFY ONE <input type="checkbox"/> Decedent's Home <input type="checkbox"/> Other	
47. COUNTY SAN FRANCISCO		48. FACILITY ADDRESS OR LOCATION WHERE FOUND (Street and number or location) 666 ELLIS STREET		49. CITY SAN FRANCISCO	
50. CAUSE OF DEATH Enter the chain of events — disease, injuries, or complications — that directly caused death. DO NOT enter terminal events such as cardiac arrest, respiratory arrest, or vascular occlusion without preceding the obituary. DO NOT ABBREVIATE. IMMEDIATE CAUSE (From disease or condition resulting in death) PENDING		51. DEATH REPORTED TO CORONER Time and place of death Date and time of death UNK		52. DEATH REPORTED TO CORONER Time and place of death Date and time of death 2007-1079	
53. DECESSORY, 2nd conditions, if any, leading to cause of death on line A. Enter DECESSORY CAUSE (Cause of injury that initiated the event resulting in death) LAST		54. BIOPSY PERFORMED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		55. AUTOPSY PERFORMED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
56. OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH BUT NOT RESULTING IN THE UNDERLYING CAUSE GIVEN IN 107		57. IF PREGNANT IN LAST YEAR? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN		58. USED IN DETERMINING CAUSE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
59. WAS OPERATION PERFORMED FOR ANY CONDITION IN ITEM 107 OR 123? (If yes, list type of operation and date.)		60. IF PREGNANT IN LAST YEAR? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN		61. INJURY DATE mm/dd/yy 10/01/2007	
62. PHYSICIAN'S CERTIFICATION I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE DEATH OCCURRED AT THE HOUR, DATE, AND PLACE STATED FROM THE CAUSES STATED. Decedent Attended Since Death Since		63. SIGNATURE AND TITLE OF CERTIFIER JUDY MELINEK MD		64. LICENSE NUMBER 121. INJURY DATE mm/dd/yy 122. HOUR (24 Hours)	
65. MANNER OF DEATH <input type="checkbox"/> Natural <input type="checkbox"/> Accident <input type="checkbox"/> Homicide <input type="checkbox"/> Suicide <input checked="" type="checkbox"/> Pending Investigation <input type="checkbox"/> Could not be determined		66. INJURED AT WORK? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN		67. DATE mm/dd/yy 10/01/2007	
68. PLACE OF INJURY (e.g., name, construction site, wooded area, etc.)		69. TYPE ATTENDING PHYSICIAN'S NAME, MAILING ADDRESS, ZIP CODE JUDY MELINEK MD, ASST MEDICAL EXAMINER		70. FAX AUTH. # *01200700615014*	
71. CORONER'S USE ONLY		72. CENSUS TRACT			
73. STATE REGISTRAR A B C D E		74. DATE ISSUED OCT 19 2007		75. MITCHELL KATZ, M.D.	
76. THIS COPY IS NOT VALID UNLESS PREPARED ON AN ENGRAVED BORDER, DISPLAYING THE DATE, SEAL AND SIGNATURE OF THE CITY AND COUNTY HEALTH OFFICER.		77. ANY ALTERATION OR ERASURE VOIDSTHIS CERTIFICATE		78. SEALS	

STATE OF CALIFORNIA, CITY AND COUNTY OF SAN FRANCISCO
This is to certify that the image reproduced hereupon is a true copy of
the record on file in the SAN FRANCISCO DEPARTMENT OF PUBLIC
HEALTH as of the date issued.


* 002554673 *
 * 01200700615014 *

DATE ISSUED **OCT 19 2007**
This copy is not valid unless prepared on an engraved border, displaying the date, seal and signature of the City and County Health Officer.



11/13/2007 15:06 14153799343

VELAN LAW FIRM

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PAGE 02

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12 ANNA DUBROVA and DAVID SHAFRANSKIY, Individually and as Successors
 13 In Interest to MIKHAIL SHAFRANSKIY,
 14 deceased,

15 Plaintiffs,

16 v.
 17 SAN FRANCISCO MARITIME NATIONAL
 18 HISTORIC PARK, NATIONAL PARK
 19 SERVICE, U.S. DEPARTMENT OF THE
 20 INTERIOR et al.

21 Defendants.

22 Declarant DAVID SHAFRANSKIY hereby declares that the following is true and correct:

- 23 1) The name of the decedent is MIKHAIL SHAFRANSKIY.
- 24 2) The date and place of decedent's death is City and County of San Francisco,
 25 California. September 30, 2007.
- 26 3) No proceeding is now pending in California for administration of the decedent's
 27 estate.
- 28 4) The declarant DAVID SHAFRANSKIY is the decedent's Successor In Interest as
 defined in Section 377.11 of the California Code of Civil Procedure, and he succeeds to the
 decedent's interest in the action or proceeding. That is true because he is the son of decedent.

29 DECLARATION BY DECEDENT'S SUCCESSOR IN INTEREST (CCP § 377.32)

ORIGINAL
FILED
NOV 13 2007
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Entitled

JJ

CASE NO. 07

5755

DECLARATION BY DECEDENT'S
SUCCESSOR IN INTEREST
(CCP § 377.32)

Action Filed:
 Trial Date: None

BY FAX

1 Besides the son DAVID SHAFRANSKIY decedent had a daughter named ANNA
2 DUBROVA, whose declaration is attached. Decedent was unmarried and had no other issue
3 at the time of his death.

4 5) No other person has a superior right to commence the action or proceeding or to be
5 substituted for the decedent in the pending action or proceeding.

6) Declarant hereby declares under penalty of perjury under the laws of the State of
7 California that the foregoing is true and correct, and a certified copy of the decedent's death
8 certificate, which is true and correct, is attached to this declaration..

9 I declare under penalty of perjury that the foregoing is true and correct.
10 Dated this 10 day of November 2007, in Dnepropetrovsk
11 Ukraine;

12 
13 DAVID SHAFRANSKIY, Declarant

**CITY AND COUNTY OF
SAN FRANCISCO**

CERTIFICATE OF DEATH

STATE OF CALIFORNIA
USE BLACK INK ONLY / NO ERASURES, WHITEOUTS OR ALTERATIONS
(Type or Print)

3200738004600

LOCAL REGISTRATION NUMBER

1. NAME OF DECEDENT — FIRST (Given)		2. MIDDLE		3. LAST (Family)		4. DATE OF BIRTH mm/dd/yy 10/25/1921				5. AGE Yrs 85		6. SEX M					
AKA ALSO KNOWN AS — Include full AKA (FIRST, MIDDLE, LAST)						7. IF UNDER ONE YEAR Months Days Hours Minutes		8. IF UNDER 24 HOURS Hours Minutes									
9. BIRTH STATE/FOREIGN COUNTRY UKRAINE		10. SOCIAL SECURITY NUMBER 122-82-3859		11. EVER IN U.S. ARMED FORCES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK		12. MARITAL STATUS (11th Col Death) WIDOWED		13. DECEASED'S RACE — Up to 3 races may be listed (see instructions on back) CAUCASIAN		14. DATE OF DEATH mm/dd/yy 09/30/2007		15. HOUR (24 Hours) 0812					
16. EDUCATION — Highest Level Degree (See Instructions on back) DOCTORATE <input type="checkbox"/> YES		17. USUAL OCCUPATION — Type of work for most of life. DO NOT USE RETIRED DOCTOR		18. KIND OF BUSINESS OR INDUSTRY (e.g., grocery store, road construction, employment agency, etc.) HEALTH CARE		19. YEARS IN OCCUPATION 45											
20. DECEASED'S RESIDENCE (Street and number or location) 666 ELLIS STREET #304		21. CITY SAN FRANCISCO		22. COUNTY/PROVINCE SAN FRANCISCO		23. ZIP CODE 94109		24. YEARS IN COUNTY 3		25. STATE/FOREIGN COUNTRY CA							
26. INFORMANT'S NAME, RELATIONSHIP ANNA DUBROVA, DAUGHTER		27. INFORMANT'S MAILING ADDRESS (Street and number or rural route number, city or town, state, zip) 28 DORCHESTER AVENUE, SILKIRK, NY 12158															
28. NAME OF SURVIVING SPOUSE — FIRST —		29. MIDDLE —		30. LAST (Maiden Name) —		31. NAME OF FATHER — FIRST YAKOV		32. MIDDLE —		33. LAST SHAFRANSKIY		34. BIRTH STATE UKRAINE					
35. NAME OF MOTHER — FIRST HANNA		36. MIDDLE —		37. LAST (Maiden Name) SHKLOVSKAYA		38. BIRTH STATE UKRAINE											
39. DISPOSITION DATE mm/dd/yy 10/04/2007		40. PLACE OF FINAL DISPOSITION SURSKO LITOVSKOE CEMETERY DNEPROPETROVSK, UKRAINE		41. TYPE OF DISPOSITION(s) CR/TR/BU		42. SIGNATURE OF ENDORSEMENT NOT EMBALMED		43. LICENSE NUMBER		44. NAME OF FUNERAL ESTABLISHMENT COLLEGE CHAPEL MORTUARY		45. LICENSE NUMBER FD794		46. SIGNATURE OF LOCAL REGISTRAR MITCHELL KATZ, MD		47. DATE mm/dd/yy 10/04/2007	
48. PLACE OF DEATH LIGHT WELL		49. IF HOSPITAL SPECIFY ONE <input type="checkbox"/> IP <input type="checkbox"/> ERROP <input type="checkbox"/> DOA <input type="checkbox"/> Hospital <input type="checkbox"/> Nursing Home <input type="checkbox"/> Deathcare <input checked="" type="checkbox"/> Other		50. IF OTHER THAN HOSPITAL, SPECIFY ONE <input type="checkbox"/> Hospital <input type="checkbox"/> Nursing Home <input type="checkbox"/> Deathcare <input checked="" type="checkbox"/> Other		51. CITY SAN FRANCISCO		52. TIME/DATE OF DEATH 10:00 AM 10/04/2007		53. DEATH REPORTED TO CORONER? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		54. AUTOPSY PERFORMED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		55. USED IN DETERMINING CAUSE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
56. COUNTIES SAN FRANCISCO		57. FACILITY ADDRESS OR LOCATION WHERE FOUND (Street and number or location) 666 ELLIS STREET		58. PLACES OF DEATH LIGHT WELL		59. PLACES OF DEATH LIGHT WELL		60. PLACES OF DEATH LIGHT WELL		61. PLACES OF DEATH LIGHT WELL		62. PLACES OF DEATH LIGHT WELL		63. PLACES OF DEATH LIGHT WELL			
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